

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

GIUSEPPE MAROTTA, et al,
Plaintiff

v.

SUFFOLK COUNTY,
Defendant

DOCKET No.
05-10032

**DEFENDANT'S MOTION TO EXTEND THE TIME TO RESPOND TO THE
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND MOTION FOR A
STATUS REVIEW**

Now comes the Defendant in the above-captioned matter and moves this Honorable Court for additional time to respond to the Plaintiff's Motion for Summary Judgment and moves for a Status Review Hearing. In support thereof, the Defendant states as follows:

The Parties have been actively trying to settle this matter since the last hearing before the court. As part of the settlement efforts, the parties were negotiating a settlement framework that would have been employed by a Special Master to reduce this case to a sum certain. The Defendant drafted a Settlement Stipulation based upon the Fair Labor Standards Act and the relevant collective bargaining agreement, and sought to employ an independent auditor at its own expense to act as Special Master. However, despite best efforts, a series of legal disputes have prevented the parties from achieving a final settlement.

Most recently, both counsel agreed to meet with representatives of the Plaintiff's collective bargaining unit to try and negotiate an agreement to the Settlement Stipulation. As part of the meeting, Plaintiff's counsel agreed to assent to a Motion to extend the response period for the Defendant's Opposition to the summary judgment. On the eve of the meeting, the Defendant's counsel was contacted by Plaintiff's counsel and informed that the meeting was cancelled because his clients thought meeting would be fruitless.

Despite the cancelled meeting, there was an agreement to explore the possibility of reducing the remaining legal disputes to writing and requesting a status hearing before the Court in order to schedule a briefing on the disputed legal issues. The parties thought that it would be best for the Court to decide the legal issues that have thus far served as an impediment to settlement.

Plaintiff's counsel sent the Defendant's counsel an email on November 29, 2007 which focused the scope of the Plaintiff's remaining disputed issues. However, the email stated that Plaintiff's counsel would require his client's approval prior to seeking a request for a status with the Court. Since receiving that email, the Defendant's counsel has been unable to reach Plaintiff's counsel by telephone. Further, the Defendant is concerned about the response time to the Plaintiff's Motion for Summary Judgment.

WHEREFORE, the Defendant moves this Honorable Court:

1. For a Status Review Hearing in order to schedule briefing on the parties' remaining disputed legal issues to be submitted for final resolution by the Court, and

2. For an extension of time for the Defendant to respond to the Plaintiff's Motion for Partial Summary Judgment, to be determined at the Status Review.

Respectfully Submitted,
For the Defendants
By their Attorney

/s/ Russell T. Homsy
Russell T. Homsy
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Date: December 5, 2007

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on December 5, 2007.

/s/Russell T. Homsy
Russell T. Homsy